

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

GARTH HIRE (CABN 187330)
Assistant United States Attorney

1301 Clay Street, Suite 340-S
Oakland, California 94612-5217
Telephone: (510) 637-3929
Facsimile: (510) 637-3724
E-Mail: Garth.Hire@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00070 SBA
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING STATUS CONFERENCE
v.)	AND EXCLUDING TIME
)	
JEROME TOY SINCLAIR,)	
)	
Defendants.)	

Plaintiff, by and through its attorney of record, and defendant, by and through his attorney of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 9 a.m. on Tuesday, May 5, 2009.

2. The parties request that this hearing be continued until 9 a.m. on Tuesday, June 2, 2009, in order to provide defendant's counsel with additional time to evaluate the evidence in this case and determine whether or not defendant should enter a change of plea or file motions and to prepare for trial in this matter.

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

1 3. Specifically, defendant's counsel needs the continuance in order to review
2 discovery with defendant, particularly the audio and video recordings produced by the
3 government regarding the alleged controlled purchases of narcotics, investigate the case, and
4 develop a motions and/or trial strategy in light of the discovery. The parties believe that failure
5 to grant the above-requested continuance would deny defendant's counsel and defendant the
6 reasonable time necessary for effective preparation taking into account the exercise of due
7 diligence and that the ends of justice served by continuing the case as requested outweigh the
8 interest of the public and defendant in a trial within the date prescribed by the Speedy Trial Act.

9 4. Thus, the parties respectfully request that the Court find that the time period from
10 May 5, 2009, to June 2, 2009, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv)
11 because it results from a continuance granted by the Court at the defendant's request and on the
12 basis of the Court's finding that the ends of justice served by taking such action outweigh the
13 best interest of the public and the defendant in a speedy trial and because failure to grant the
14 continuance would unreasonably deny defense counsel the time necessary for effective
15 preparation for trial, taking into account due diligence.

16 IT IS SO STIPULATED.

17 JOSEPH P. RUSSONIELLO
18 United States Attorney

19 Dated: May 1, 2009

 /s/
20 GARTH HIRE
21 Assistant United States Attorney
22 Attorney for United States of America

23 Dated: May 1, 2009

 /s/
24 JOYCE LEAVITT
25 Attorney for Defendant
26 Jerome Toy Sinclair
27
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ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled May 5, 2009, status conference hearing is vacated. A status conference hearing is now scheduled for 9:00 a.m. on June 2, 2009.

2. The time period from May 5, 2009, to June 2, 2009, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

DATED: 5/4/09


HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE